

## Department of the Interior Departmental Manual

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**Effective Date:** 6/9/99

**Series:** Personnel Management

**Part 370:** Departmental Personnel Program

**Chapter 335:** Promotion and Internal Placement

**Originating Office:** Office of Personnel Policy

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### 370 DM 335

1. **Purpose and Authority.** This chapter establishes the Department of the Interior's Merit Promotion Plan (Plan) for filling positions covered by merit promotion and implements 5 U.S.C. Chapter 33 and 5 CFR 335.

2. **Merit Promotion Policy.** Recruitment methods and selection procedures will be based solely on merit after fair and open competition, and will be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, sex, national origin, nondisqualifying physical handicap, sexual orientation or age.

A. **Scope.** The Plan applies to all competitive service positions in the Department. This chapter must be used in conjunction with the current Departmental Career Transition Assistance Plan.

B. **Areas of Consideration.** Managers will determine and extend areas of consideration to ensure the attraction of a diverse pool of highly qualified applicants in accordance with the Department Strategic Plan for Improving Diversity. Managers should ensure that their employees on approved extended absence receive appropriate consideration for vacancies under their immediate jurisdiction. An approved announcement system, as determined by the Department, will be used to advertise all competitive service vacancies with an area of consideration of Department wide or greater. For limited areas of consideration within a Bureau, local methods of announcing a vacancy may be employed.

C. **Factors to be Considered in Promotion or Placement.** All applicants will be evaluated to ensure that they meet the appropriate OPM qualification standards and time-in-grade requirements. Bureaus will establish, and publicize in the appropriate vacancy announcement, cut off dates for applicants to meet qualification standards and time-in-grade requirements for acceptance of applications. Qualitative, job-related distinctions must be made among promotion and other competitive eligibles in terms of relative merit and ability and documented through the use of a crediting plan or other rating methodology. Consideration will be given to performance appraisals and incentive awards. The validity and propriety of selective and/or ranking factors

must be clearly reflected and supported by a current position description of the job for which they are used.

D. **Selection Procedures.** The selecting official will have an opportunity to choose from among an adequate number of best qualified candidates. Methodology for determining cut off points for best qualified candidates will be left to Bureau discretion. Selecting officials have the right to select or not select from among candidates referred. They also have the right to select from other appropriate sources.

E. **Records.** Appropriate records to allow for reconstruction of the action must be maintained for a minimum of two years. In instances where some form of complaint has been filed concerning an action, these records will be maintained for a minimum of two years following resolution of the case.

### 3. **Application of Competitive Procedures.**

A. Competitive procedures apply to the following actions:

(1) Permanent promotion to a higher-graded position or to a position with a higher full performance level than previously held on a permanent basis in the competitive service.

(2) Temporary promotions for more than 120 days or details for more than 120 days to a higher-graded position or to a position with greater promotion potential than previously held on a permanent basis in the competitive service.

(3) Selection for training which is part of an authorized training agreement required before an employee may be considered for promotion.

(4) Reassignment, transfer or change to a lower-graded position with promotion potential greater than any position held on a permanent basis in the competitive service.

(5) Reinstatement to a permanent or temporary position at a higher grade or with a higher full performance level than any position previously held on a permanent basis in the competitive service.

(6) Promotions due to the addition of substantive, new and higher-graded duties when the new position is not a clear successor to the old position or there are other employees serving in similar or identical positions within the organizational unit to whom the new duties could have been assigned.

B. Competitive procedures do not apply to the following actions:

(1) Upgrading of a position due to application of a new classification standard without a significant change in duties.

(2) Upgrading of a position resulting from the correction of an initial classification error.

(3) A promotion resulting from an employee's position being classified at a higher grade (with no further promotion potential) because of additional duties and responsibilities, commonly known as accretion of duties. The noncompetitive upgrade requires the employee to continue to perform the same basic function in the new position that is a clear successor to and absorbs the duties of the old position. In addition, there are **no other employees** within the organizational unit to whom the additional duties and responsibilities could have been assigned.

(4) Actions taken under Reduction in Force.

(5) Promotions without current competition when the employee competed earlier for an assignment intended to prepare the employee for the position being filled, and the intent was made a matter of record and made known to all potential candidates. These are commonly called career ladder promotions.

(6) Repromotion, permanent or temporary, to a grade previously held on a permanent basis in the competitive service.

(7) Promotion, reassignment, transfer, change to lower grade or reinstatement of an employee from a position with known promotion potential to another position having no higher promotion potential than any other position previously held on a permanent basis in the competitive service.

(8) Promotion to a position with a representative pay rate equal to or lower than that of any position previously held on a permanent basis in the competitive service.

(9) Details to higher-graded positions or temporary promotions not to exceed 120 days.

(10) Details made in 120 day increments up to one year to unclassified duties.

(11) Details made in 120 day increments to the same grade or lower-graded positions.

(12) Time-limited promotions made permanent when such a possibility was publicized in the original competition notice.

(13) Selection of a candidate not given proper consideration in a previous competitive promotion action.

4. **Grievances.** The Bureau Personnel/Human Resources Office shall respond promptly to questions about the merit promotion program or about a specific selection action. An employee

of the Department may submit a grievance concerning merit promotion matters under the Department's grievance program (370 DM 771), or under a negotiated grievance procedure as appropriate, unless otherwise excluded from either process. If bargaining unit employees wish to grieve any merit action, they must use the negotiated grievance procedures rather than the Department grievance procedures. Where this Plan conflicts with a negotiated agreement, the agreement prevails. However, nonselection from a list of properly ranked and certified applicants is not grievable under either process. Further, an employee cannot use the grievance procedures and the EEO complaint process at the same time for the same case.